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FILED

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

2009 JAN 12 AM 9:23

RICHARD P. ROOPER, CLERK

Bdl D.C.

STATE OF TENNESSEE, *ex rel.*)
ROBERT E. COOPER, JR.,)
ATTORNEY GENERAL and)
REPORTER,)

Petitioner,)

v.)

DELL INC., a Texas corporation,)
and DELL FINANCIAL SERVICES,)
LLC, a Texas limited liability company,)

Respondents.)

No. 09C83

PETITION

The State of Tennessee, by and through Robert E. Cooper, Jr., the Attorney General and Reporter, (hereinafter "Attorney General"), at the request of Mary Clement, the Director of the Division of Consumer Affairs of the Department of Commerce and Insurance (hereinafter "Division"), files this Petition pursuant to Tenn. Code Ann. § 47-18-107 of the Tennessee Consumer Protection Act of 1977 (hereinafter "the Act"), and respectfully shows the Court as follows:

1. The Division and the Attorney General, acting pursuant to the Act, have investigated in conjunction with a multistate working group of Attorneys General certain acts and practices of Dell Inc., a Texas corporation, and Dell Financial Services, LLC, a Texas limited liability company (hereinafter "Respondents"). Upon completion of such investigation, the Division has determined that certain of Respondents' acts and practices, more specifically

described in Paragraph 2 of this Petition, constitute unfair and deceptive acts or practices affecting the conduct of trade or commerce in the State of Tennessee in violation of Tenn. Code Ann. § 47-18-104(a), and further that such acts and practices constitute violations of Tenn. Code Ann. § 47-18-104(a), (b)(2), (b)(5), (b)(7), (b)(12), (b)(19), (b)(21) and (b)(27).

2. Based upon the multistate investigation of Respondents, the State of Tennessee alleges, upon information and belief, the following conduct by Respondents to constitute unfair or deceptive acts or practices in violation of its consumer protection statute previously cited:

- (a) Offering promotional financing terms to some but not all consumers without Clearly and Conspicuously disclosing the material terms of the offer and without Clearly and Conspicuously notifying consumers when they do not qualify for the promotional financing terms;
- (b) Informing consumers that they have qualified for promotional financing terms when, in fact, they did not;
- (c) Not providing warranty service as promised or as required by state implied warranty laws;
- (d) Not providing next business day service when such service is promised; and
- (e) Not fulfilling rebates according to the terms offered to consumers.

3. Respondent neither admits nor denies the allegations of Paragraph 2 (a)-(e).

4. Upon completion of the multistate investigation, the Division requested that the Attorney General negotiate, and if possible accept, an Assurance of Voluntary Compliance in accordance with the provisions set forth in Tenn. Code Ann. § 47-18-107.

5. The Attorney General entered into multistate negotiations with Respondents and the parties have agreed to, and the Division has approved, the Assurance of Voluntary Compliance filed contemporaneously herewith.

6. In accordance with the provisions of Tenn. Code Ann. § 47-18-107(c), the execution, delivery and filing of the Assurance does not constitute an admission of prior violation of the Act.

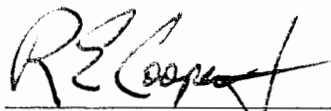
7. The Division, the Attorney General, and the Respondents have jointly agreed to the Assurance of Voluntary Compliance and join in its filing.

PREMISES CONSIDERED, Petitioner prays

1. That this Petition be filed without cost bond pursuant to the provisions of Tenn. Code Ann. §§ 20-13-101 and 47-18-116.

2. That the Assurance of Voluntary Compliance be approved and filed in accordance with the provisions of the Tennessee Consumer Protection Act.

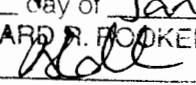
Respectfully submitted,



ROBERT E. COOPER, JR.
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B.P.R. No. 10934



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I hereby certify that this is a true copy
of original instrument filed in my office
this 12th day of Jan 20 29
RICHARD R. FROOKER Clerk
By 
Deputy Clerk